IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.1342 OF 2006
IN
APPEAL NO.1030 OF 1995
IN
NOTICE OF MOTION NO.214 OF 1995
IN
SUIT NO.147 OF 1995

Lalchand Chganlal Foundation ..Appellant.

Vs.

Ashish Babulal Shah & Ors. ..Respondents.

None for the Appellant.
Mr.Rajiv Mane for Respondent Nos.10 and 21.

CORAM: DR.S.RADHAKRISHNAN AND
S.J.VAZIFDAR, JJ.
DATED: 2ND AUGUST, 2006

P.C. :

Heard the learned counsel for Respondent Nos.10 and 21. None appears for the Appellant.

2. The learned counsel for Respondent Nos.10 and 21 undertakes to file an affidavit of service within two weeks from today.

3. By this Notice of Motion, Respondent Nos.10 and 21 have categorically stated that they have relinquished their entire claim under the respective agreements for sale.

4. The learned counsel for Respondent Nos.10 and 21 brought to our notice paragraph 12 of the Division Bench judgment and order dated 16th January, 1996 wherein the learned counsel appearing on behalf of Defendant Nos.1 to 3 have categorically stated that it was open to the flat purchasers to withdraw the deposited amounts of earnest money, donation and interest upon relinquishing their entire claim under the respective agreements for sale.

5. Under the aforesaid facts and circumstances of the case, Notice of Motion is made absolute in terms of prayers (a) and (b).

(DR.S.RADHAKRISHNAN, J.)

(S.J. VAZIFDAR, J.)